

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**SEPTEMBER 15, 2014**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**6:45 P.M.**

## **OPEN FORUM**

### **Jarry Zone Change**

**Mr. Jim Martel of 129 Main Street would like a twenty-five foot buffer zone between his property and the parcel designated for the zone change but other than that he is in favor of the proposal.**

## **REGULAR MEETING**

**The meeting began at 7:00 P.M. with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton and Town Solicitor Lombardi were also in attendance.**

## **CONTRACT OF POLICE CHIEF REYNOLDS**

**MOTION by Mr. Zwolenski and seconded by Mr. McGee to authorize the Town Administrator to extend the contract of Police Chief Reynolds.**

**The motion was later withdrawn so that Mr. Zwolenski could hear Ms. Hamilton's explanation as to her reasons for the extension.**

**From a fiscal impact standpoint, Ms. Hamilton noted it was pretty much a wash. She added that Chief Reynolds is a great leader, the**

department is stellar and it has almost reached the point of state accreditation.

**MOTION** by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve the Administrator's request to extend the contract of Chief Reynolds, noting that there was a fiscal impact performed.

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski and Mr. McGee, and voted unanimously on a roll call vote to authorize the Town Administrator to execute the agreement.

**HOLIDAY SALES LICENSE - PETSMART, INC. D/B/A PETSMART INC #2359**

**MOTION** by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on a roll call vote to approve the holiday sales license for Petsmart, Inc.

## **CONSENT AGENDA**

Mr. Zwolenski requested the minutes of August 4th be removed and Mr. Yazbak requested the payment of bills be removed.

**MOTION** by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve: 1.) Historic District Commission minutes of June 23 and July 7, 2014; 2.) Animal Control monthly report for August 2014; 3.) NSF&RS Inc. monthly reports for

**June, July and August 2014; 4.) NS Police Department monthly report for August 2014; and 5.) NS Municipal Court monthly report for August 2014.**

#### **Town Council Minutes of August 4, 2014**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote that the minutes include Mr. Zwolenski's comment about having the engineering company review the retaining wall at the Walgreen's development as well as Town Planner Robert Ericson's comment that the retaining wall would not be more than six feet tall and the engineering company's review was not necessary.**

**Mr. Flaherty also corrected the word "destruction" on the second page, the first paragraph under the discussion with RIDOT regarding the combined road, bridge and sewer project. The word should have been "disruption".**

**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to accept the minutes as amended.**

#### **Payment of Bills**

**Mr. Yazbak recused from this discussion as he has clients on the vendor list.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on a roll call vote (Mr. Yazbak recused) to approve payment of the**

**following: General Fund - \$498,711.57; Sewer - \$548,377.49; Water - \$1,043.13; School Department - \$1,553,518.58; and Fire Department \$195,147.00 for a total of \$2,028,164.26.**

#### **RESIGNATION FROM PLANNING BOARD - M. Jones**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to accept the resignation from Ms. Mali Jones from the Planning Board and to have the Clerk send her a letter of appreciation.**

#### **APPOINTMENT TO PLANNING BOARD**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to move Scott Lentz from Second Alternate to a full-time member to complete the five-year term of Mali Jones that expires December 1, 2017.**

**First Alternate Cynthia Roberts prefers to remain an alternate.**

#### **TRANSFER OF CAPITAL FUNDS FOR THE DEPARTMENT OF PUBLIC WORKS**

**MOTION by Mr. Zwolenski, seconded by Mr. McGee, and voted unanimously on a roll call vote to transfer \$15,050 from the Highway Division capital budget for improvements to Scouters' Hall.**

#### **TRANSFER OF CAPITAL FUNDS FOR THE NORTH SMITHFIELD POLICE DEPARTMENT**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve an additional \$1,100.00 for the purchase of two new cruisers (model year 2015) previously authorized based upon the verbal presentation of the Finance Director this evening.**

**PUBLIC HEARING ZONING AMENDMENT - B. Jarry**

**This is a petition to rezone property described as Assessor's Plat 4, Lots 433 and 102, located on Main Street from the current zoning designation of Rural Agriculture (RA) to a new zoning designation of Urban Residential (RU).**

**Neighbors James Martel and Darren Cooper requested having a twenty to twenty-five foot buffer area around the property.**

**Ms. Jarry was amenable to having a twenty-five foot buffer around the property.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on a roll call vote to close the public hearing.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted unanimously on a roll call vote to approve the petition to rezone the property described as Assessor's Plat 4, Lots 433 and 102, located on Main Street from the current zoning designation of Rural Agriculture (RA) to a new zoning designation of Urban Residential**

**(RU) with the stipulation that a twenty-five foot natural buffer area be maintained on the three sides that are not fronting Main Street to create one new housing lot.**

## **2nd READING ORDINANCE AMENDMENT RE: STABILIZATION OF TAXES FOR SOLAR POWERED SYSTEMS**

**Mr. Flaherty recused from this discussion as one of his daughters works at one of the properties that could be affected.**

**Jacob Laskin, President of Next Sun Energy, spoke about his proposal to develop a solar project for the Branch River Industrial Park owned by Sam Man Realty. They have been awarded a contract to sell the power generated by the system to National Grid. Mr. Laskin is seeking a tax exemption for the renewable energy system located in North Smithfield.**

**Mr. Yazbak had no problem exempting taxes if an existing town taxpayer wants to install a solar system on their roof and wants to consume the power he is generating. He does, however, have a problem with someone coming in and asking for a tax break on equipment when someone who has been here for 20, 30 or 40 years continues to pay their taxes on tangible property.**

**Ian Palmer, CEO of New Energy Equity, explained the town would be receiving \$10,000 per year over the contracted period of fifteen years. The revenue generated per year is approximately \$130,000. They pay**

taxes on that income which is a benefit to the State of Rhode Island and to the federal government. The federal government kicks in about thirty percent in project offset. Mr. Palmer's company gets the revenue from selling electricity to National Grid but he does have to pay for maintenance and upkeep of the system. He added that the project takes eight to twelve weeks to construct and local contractors will be hired.

Mr. Zwolenski asked if there are plans of current conditions of the property and plans of what is being proposed.

Ernest Alter, of 600 Victory Highway, has been following the solar industry for fifty years. The only reason they are existing is because they are getting very strong subsidies from the federal government. He does not think the Council should get involved as this field is riddled with fraud. It is not economically viable.

Paul Soares, of Sayles Hill Road, feels subsidies are laughable. If you have a product that is worthwhile, you don't need a subsidy. He does not want his taxes going to an inefficient project that can't stand by itself.

Mr. Ericson spoke about other areas, such as farms and fossil fuel, that receive government subsidies.

Smed Blair, the owner's representative from Sam-Man Realty, and the

proposed Next Sun site. He spoke about trying to redevelop the Branch Village area and there is an area owned by Sam-Man where a structure cannot be built. This project is an opportunity for Sam-Man to increase its revenue by leasing the land. The town would be increasing its tax base with no required municipal services. There is another 65 acres that Sam-Man is looking to build out in the future and revenue from this project will aid in the process.

**MOTION** by Mr. Zwolenski and seconded by Mr. McGee to substitute Exhibit 2 for Exhibit 1 of the ordinance. This motion was subsequently withdrawn.

**MOTION** by Mr. Yazbak, seconded by Mr. McGee and Mr. Zwolenski, and voted 4 to 0 on a roll call vote (Mr. Flaherty recused) to substitute Exhibit 3 for Exhibit 1 of the ordinance.

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to amend Exhibit 3 to strike out “payment in lieu of taxes” and replace with “for the amount of property value that will be exempt.”

**MOTION** by Mr. Yazbak, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote to adopt the following ordinance as amended: “It is ordained by the Town Council of the Town of North Smithfield as follows: That the Ordinance, Chapter 6-3.12, Stabilization of taxes for solar-powered systems, shall be added to read as follows: Pursuant



to Section 44-3-21 of the Rhode Island General Laws, as amended, the following property shall be exempt from taxation: A. The additional cost or value of any solar device which is being utilized as a primary or auxiliary power system for the purpose of heating or otherwise supplying the energy needs of the property on which it is located, for a period of 20 years from date of installation. B. The additional cost or value of any solar-powered system primarily utilized to produce energy for sale beyond the property, only after a contractual agreement approved by the Town Council for the amount of property value that will be exempt.” This constitutes the second reading.

## **TAX ABATEMENTS**

**MOTION** by Ms. Alves, seconded by Mr. Yazbak, and voted unanimously on a roll call vote to accept the abatements as presented and recommended by the Finance Director.

## **CONTRACT WITH COUNCIL 94**

**MOTION** by Mr. Yazbak, seconded by Mr. Flaherty, and voted 4 to 1 on a roll call vote to reject the proposed contract.

Mr. Yazbak stated that eighty percent of the municipal and school budgets come from salaries and benefits and he felt a more cost effective document was needed.

## **BRANCH VILLAGE REDEVELOPMENT PLAN**

Mr. Flaherty informed the Council members that he had sent an email to members of boards, commissions, state agencies and town

consultants who had recently met with the Town Council to thank them for their participation. He also provided a flow chart tracking the various tasks that remain to be coordinated among the Administration and a number of town boards/commissions.

## **RESOLUTION ADVANCING REDEVELOPMENT OF THE ATP MANUFACTURING SITE**

Mr. Zwolenski had some concerns about this resolution as to how this property would be utilized. The fourth paragraph of the original resolution stated the ATP property would be acquired for “subsequent redevelopment.” He recommended this paragraph be amended to read “acquire the ATP property for subsequent business and/or commercial redevelopment only.” He was concerned that building more low- to moderate-income housing units would negate any long-term generating of revenue and any potential business ventures.

Ms. Hamilton was afraid this amendment may make the project too restrictive. Joseph Garlick, Executive Director of Neighborworks Blackstone River Valley, may be able to provide more information about plans and available funding.

It was decided to discuss this further at an October meeting.

## **LITTLE RED SCHOOLHOUSE LEASE AND ACCEPTANCE OF PROPERTY**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote to amend Section 8(A) of the lease agreement to read: “The Tenant shall not make any alterations, additions, or improvements to the Premises without the prior approval of the Town Administrator Council etc.”**

**MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve the lease agreement as amended and to authorize the Town Administrator to sign it.**

**2ND READING WAGE ORDINANCE**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on a roll call vote to approve the following wage ordinance: “It is ordained by the Town Council of North Smithfield, RI as follows: Chapter 13 of the Town Ordinances is amended to read: The following Table of Salaries and Wages to Pay Grades are approved for the fiscal year July 1, 2014 to June 30, 2015. This list includes elected, appointed, classified (non-contractual), classified (contractual) and non-classified.**

<b>DEPARTMENT</b>	<b>FY 14/15</b>	<b>FY 13/14</b>
<b>1. General Government</b>		
<b>Town Administrator</b>	<b>75,000</b>	<b>71,289</b>
<b>Grant Writer</b>	<b>2,000</b>	<b>4,000</b>
<b>Audio Videographer</b>	<b>3,000</b>	<b>2,875</b>

<b>Town Council (each)</b>	<b>2,000</b>	<b>2,000</b>
<b>Probate Court Judge</b>	<b>3,914</b>	<b>3,914</b>
<b>Board of Canvassers, Chairman</b>	<b>500</b>	<b>500</b>
<b>Board of Canvassers (each 2)</b>	<b>400</b>	<b>400</b>
<b>Town Clerk</b>	<b>57,302</b>	<b>55,633</b>
<b>Deputy Town Clerk</b>	<b>32,374</b>	<b>32,374</b>
<b>Finance Director</b>	<b>72,500</b>	<b>72,500</b>
<b>Asst. Finance Director</b>	<b>46,350</b>	<b>45,000</b>
<b>Personnel/Administrative Service Director</b>		
<b>Solicitor</b>	<b>58,789</b>	<b>58,789</b>
<b>Assistant Solicitor</b>	<b>30,300</b>	<b>27,800</b>
<b>Town Planner</b>	<b>61,341</b>	<b>59,554</b>
<b>Tax Assessor</b>	<b>54,106</b>	<b>54,106</b>
<b>Admin Ass't to Administrator</b>	<b>30,000</b>	<b>17.23/hr</b>
<b>Asst Tax Collector</b>	<b>21.62/hr</b>	<b>20.99/hr</b>
<b>Fiscal Clerk II</b>	<b>16.48/hr</b>	<b>16.00/hr</b>
<b>Planning Board Secretary</b>	<b>1,800</b>	<b>1,800</b>
<b>Finance Clerk I</b>	<b>18.26/hr</b>	<b>17.73/hr</b>
<b>Recording Clerk</b>	<b>16.48/hr</b>	<b>16.00/hr</b>
<b>Inspection Division Clerk</b>	<b>16.07/hr</b>	<b>15.60/hr</b>
<b>Tax Assessor's Clerk</b>	<b>16.48/hr</b>	<b>16.00/hr</b>
<b>Asst. Planner/GIS Analyst</b>	<b>22.07/hr</b>	<b>21.43/hr</b>
<b>Municipal Court Clerk</b>	<b>12,319</b>	<b>11,960</b>
<b>Municipal Court Judge</b>	<b>6,300</b>	<b>6,000</b>
<b>Municipal Administrator</b>	<b>4,429</b>	<b>4,300</b>
<b>Municipal Prosecutor</b>	<b>0</b>	<b>0</b>

## **2. Public Safety**

<b>A. Building Inspector/Zoning Official</b>	<b>52,132</b>	<b>50,614</b>
<b>Electrical Inspector (Pt)</b>	<b>7,000</b>	<b>7,000</b>
<b>Plumbing Inspector (Pt)</b>	<b>3,200</b>	<b>3,200</b>
<b>Mechanical Inspector (Pt)</b>	<b>3,200</b>	<b>3,200</b>
<b>Building/Zoning Inspector (Pt)</b>	<b>10,000</b>	<b>10,000</b>
<b>Assistant Electrical Inspector</b>	<b>2,600</b>	<b>2,600</b>
<b>Sealer of Weights and Measures</b>	<b>1</b>	<b>1</b>
<b>Police Chief</b>	<b>76,865</b>	<b>74,626</b>
<b>Administrative Asst to Police Chief</b>	<b>23,666</b>	<b>22,977</b>
<b>EMS Director</b>	<b>5,500</b>	<b>5,500</b>
<b>Zoning Secretary</b>	<b>3,680</b>	<b>16.94/hr</b>
<b>Juvenile Hearing Coordinator</b>	<b>2,000</b>	<b>15.00/hr</b>

## **3. Police Department**

<b>Captain</b>	<b>1,140.85/wk</b>	<b>1,099.61/wk</b>
<b>Lieutenant</b>	<b>1,113.23/wk</b>	<b>1,073.00/wk</b>
<b>Sergeant</b>	<b>1,085.61/wk</b>	<b>1,046.37/wk</b>
<b>Detective</b>	<b>1,058.03/wk</b>	<b>1,019.79/wk</b>
<b>Patrolman (over 1 year)***</b>	<b>1,016.58/wk</b>	<b>979.84/wk</b>
<b>Probationary (6 mos/1 yr)</b>	<b>872.55/912.53/wk</b>	<b>841.01/979.55/wk</b>

## **4. North Smithfield Local 937 Contract**

<b>(2) Foreman</b>	<b>22.36/hr</b>	<b>21.77/hr</b>
<b>Animal Control Officer</b>	<b>20.56/hr</b>	<b>19.96/hr</b>
<b>Police Dispatcher (1st shift)</b>	<b>18.64/hr</b>	<b>0</b>
<b>Police Dispatcher (2nd shift)**</b>	<b>19.04/hr</b>	<b>0</b>
<b>Police Dispatcher (3rd shift)**</b>	<b>19.21/hr</b>	<b>0</b>
<b>Police Clerk/Dispatcher (part time)</b>	<b>16.84/hr</b>	<b>0</b>
<b>Mechanic</b>	<b>20.62/hr</b>	<b>20.02/hr</b>
<b>Mechanic/Driver</b>	<b>19.50/hr</b>	<b>18.93/hr</b>
<b>Equipment Operator</b>	<b>19.03/hr</b>	<b>18.48/hr</b>
<b>Truck Driver</b>	<b>18.24/hr</b>	<b>17.71/hr</b>
<b>Laborer P &amp; R</b>	<b>16.42/hr</b>	<b>15.94/hr</b>
<b>Clerk (Highway)</b>	<b>15.60/hr</b>	<b>0</b>

## **5. Public Works**

<b>DPW Director</b>	<b>64,837</b>	<b>62,949</b>
<b>Water/Sewer Superintendent</b>	<b>55,260</b>	<b>49,864</b>
<b>Water/Sewer Asst. Superintendent</b>	<b>41,398</b>	<b>32,318</b>
<b>Water &amp; Sewer Co-ord</b>	<b>36,317</b>	<b>42,328</b>
<b>Sewer Commission Secretary</b>	<b>20.83/ph</b>	<b>20.83/ph</b>
<b>Custodian (pt)</b>	<b>14,247</b>	<b>14,247</b>
<b>Custodian (pt)</b>	<b>7,498</b>	<b>0</b>
<b>Recycle Co-ord (pt)</b>	<b>16,086</b>	<b>25.15/ph</b>
<b>Seasonal Personnel</b>	<b>5,200</b>	<b>5,200</b>
<b>Tree Warden</b>	<b>1,730</b>	<b>1,730</b>

<b>Gate Keeper</b>	<b>15,000</b>	<b>15,000</b>
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**Longevity Municipal Personnel**

<b>Completion of Five (5) years</b>	<b>3.50%</b>	<b>3.50%</b>
<b>Completion of Ten (10) years</b>	<b>5.50%</b>	<b>5.50%</b>
<b>Completion of Fifteen (15) years</b>	<b>6.00%</b>	<b>6.00%</b>
<b>Completion of Twenty (20) years &amp; over</b>	<b>6.50%</b>	<b>6.50%</b>

**Longevity Police Personnel**

<b>Completion of Five (5) to Ten (10) years</b>	<b>5.00%</b>	<b>5.00%</b>
<b>Completion of Ten (10) to Fifteen (15) years</b>	<b>7.00%</b>	<b>7.00%</b>
<b>Completion of Fifteen (15) years</b>	<b>9.00%</b>	<b>9.00%</b>
<b>Chief of Police</b>	<b>12.00%</b>	<b>11.00%</b>

**\*\*All officers working second shift will receive 1% differential of their hourly rate. All officers working third shift will receive 2% differential of their hourly rate.**

**The designation of a yearly salary is a designation of rate of pay only, and shall not be construed to create an employment relationship other than at will.**

**Benefits, for non-contractual personnel, including but not limited to vacation, personal leave and sick time, shall be governed by Chapter 13 of the Code of Ordinances and any other charter provisions, resolution of May 1, 2006 (relating to retirees) or ordinances relating**

**thereto.**

**All non-contractual personnel who have elected health insurance coverage benefits shall contribute the greater of \$55 per pay period (\$1,430 per year) toward the premium for a family plan and 420 per pay period (\$520 per year) for individual plan or the Local 937 current contract amount.**

**Amendments to Chapter 13 Salaries and Wages - Fiscal Year 2014/15**

**This ordinance shall become effective upon passage and all Ordinances or part of Ordinances inconsistent herewith are repealed.”**

## **ZONING ORDINANCES AND ONGOING VIOLATIONS**

**Building Inspector Robert Benoit noted that Mr. Desper of Quaker Highway is scheduled for Municipal Court on October 15th.**

**Mr. Lombardi had attended a Municipal Court session where Mr. Desper was present without an attorney. He pled not guilty and the Judge set trial for October 15th and made it clear that Mr. Desper was facing a fine of up to \$1,000 per day. Following the hearing Mr. Desper told Mr. Lombardi that two unregistered cars were off the property and he showed Mr. Lombardi some pictures that had some other items off the property. Mr. Lombardi has called Mr. Desper’s attorney and is waiting for a return call.**



**Mr. Flaherty commented there are some properties in town that are a blight, including the Milk Can and the yellow building that was part of Stamina Mills. He wondered if there was anything in our zoning ordinances to address them.**

**Mr. Benoit responded there is nothing in the zoning ordinance pertaining to vacant buildings; however, there is something in the building code for unsafe structures but it has to meet certain criteria.**

**Mr. Ericson strongly urged the Council to begin the process of drafting a minimum housing ordinance to address some of these issues.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on a roll call vote at 9:48 P.M. to extend the meeting to 10:15 P.M.**

## **EXECUTIVE SESSION**

**Mr. Yazbak noted that he had been in contact with Mr. Nicholson whose report is not quite finished; it requires probably another day or two and should be done by the end of September. Mr. Yazbak told him the report should be delivered to the Town Clerk by October 1st to be made available for the Council packets.**

**MOTION by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on a roll call vote to enter into executive session at 9:49**

**P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation or work sessions pertaining to collective bargaining or litigation to discuss 1.) the report by Nicholson & Associates, LLC re: tax abatements/tax assessor's office and 2.) possible settlement with GIH Realty LLC.**

**MOTION by Mr. McGee, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to come out of executive session at 10:00 P.M. and to seal the minutes. No motions were made and no votes were taken.**

**MOTION by Mr. Yazbak, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 10:01 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**